

FILED 25 JUN '24 11:25 USDC-ORP

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## UNITED STATES DISTRICT COURT

for the  
Portland OR District of \_\_\_\_\_

\_\_\_\_\_ Division

David Lloyd Pearson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-  
Clackamas County Sheriff's Dept  
Clackamas County  
Troy Gilmore / unknown person  
unknown person / unknown person

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No. 3:24-cv-01017-SB

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**  
 (Non-Prisoner Complaint)

**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

David Lloyd Pearson

Sandy

City

OR

State

97055

Zip Code

Clackamas

503-891-3961

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Sheriff (Amanda Brandenburg)

Clackamas County Sheriff's Office

22 Sheriff

2223 Kaen Rd

Oregon City

City

OR

State

97045

Zip Code

Clackamas

☐

Individual capacity

☒

Official capacity

Defendant No. 2

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Troy Gilmore

Sheriff deputy

2206 S Kaen Rd

Oregon City

City

OR

State

97045

Zip Code

Clackamas

☐

Individual capacity

☒

Official capacity

## Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## Defendant No. 3

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

unknown Person  
 Sheriff deputy Clackamas  
 2206 S Kaen rd  
 Dragon City OR 97045  
 City State Zip Code  
 Clackamas

☐ Individual capacity ☒ Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

unknown Person  
 Clackamas Sheriff deputy  
 2206 S Kaen rd  
 Dragon City OR 97045  
 City State Zip Code  
 Clackamas

☐ Individual capacity ☒ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Excessive force. IE. When arrested, After being put in custody by three officers holding me down, the K-9 was allowed to continue ripping into my left upper thigh to the extent I would have died of blood loss

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?



- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

*under cover of law, officers held me down while the K-9 severely injured me, an unarmed man not resisting with no history of violence. This event strongly points to a negligence as to protocol and procedure. It is unlikely this action is in accordance. It strongly points to a reckless indifference from the Sheriff down to the arresting officer.*

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

*See Attached*

- A. Where did the events giving rise to your claim(s) occur?

*On the side of Alder Creek Mountain off Highway 26, in Sandy Oregon zip code 97055 in Clackamas County Oregon*

- B. What date and approximate time did the events giving rise to your claim(s) occur?

*The date was 12/21/23 at approximately 7:30 pm in the evening*

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

*SEE Attached*



**IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I sustained severe lacerations on my left upper thigh. They went to the bone and severed nerves moving down my leg. At the time of the incident I was losing blood to the extent I was dying right there. I was so incapacitated I could not move. A tourniquet was applied to keep me alive. I was rushed to TriMark Trauma Center in Portland for emergency surgery. I spent 60 days in medical isolation with a wound vac and daily changing of the dressing. I am now severely crippled, cannot walk, disfigured, nerve damage. Pictures are available.

**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

lost wages future	3,500,000.00
future medical	1,500,000.00
Punitive/Pain & suffering	10,000,000.00
	<u>15,000,000.00</u>

I came to this number through calculating the seconds the K-9 was allowed to rip my leg and the fact that I will never be able to do the work am trained for. Along with this I'm crippled and the disfigurement is severe.

I would like the court to impose disciplinary sanctions on the officers involved and the K-9 policy and procedure to be rewritten.

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

1/24/24 12, 2024

Signature of Plaintiff

Printed Name of Plaintiff

David Lloyd Pearson

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

## Defendants

- 1) Clackamas County Sheriff dept
- 2) Clackamas County
- 3) Clackamas County Sheriff/Amanda Brandenburg
- 4) Clackamas County Sheriff Captain (unknown)
- 5) Clackamas County Sheriff deputy (Troy Gilmore)
- 6) Clackamas County Sheriff deputy (unknown)
- 7) Clackamas County Sheriff deputy (unknown)
- 8)



1) Troy Gilmore sheriff deputy.

I knew Mr. Gilmore through confidential informant work I did for him. I quit helping him when I realized he wasn't going to do anything to help me. He threatened to ruin my life if I quit helping him. He said this in front of two witnesses. He was the one who led the group that confronted me on a private drive with a no trespassing sign clearly displayed. I did attempt to elude, I turned the car around and went back on to private property. All this aside as to the excessive force, the time between the three officers holding me down and pulling the bag off me is in particular the excessive force this suit is about.

I cannot stand up in the morning I have to work at it. I can't stand from a seated position without work, I can't kneel down without work, I can't squat, period, and going up stairs or down is a serious effort. I live with pain, and nerve pain. When I go to bed the pain in my leg makes it hard to go to sleep.



- 2) Both uniform officers.  
 3) The two officers with Mr. Gilmore who helped hold me down. One of them slapped the K-9 in the face to get him to release me.

- 4) Captain Clackamas County,  
 5) Sheriff Amanda Brandenburg

Both for gross negligence in allowing procedure and protocol to become so lax officers in turn acted with reckless negligence and irresponsibility. In a system of chain of command such as law enforcement the first point of contact, the deputy on the street, acts in a way consistent with training, procedures and protocol. In this case this event strongly reflects the officers lack of training, procedure and protocol, or, as is much probably in this case the chain of command failed to enforce or review these policies, training and procedure both in text and with the acting officer giving rise to this nearly deadly event and clearly excessive force.

- 6) } Clackamas County } allowing this  
 7) } Clackamas County Sheriff depart } negligence  
 8) } Clackamas County Jail }



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## The facts -

On Dec 21, 2023 @ approx 7:35 pm I was cornered by law enforcement on the side of a cluster of logs dead on the ground and rotting. The K-9 was the first to confront me. He did so by clamping on to my upper thigh, left side, and sinking his teeth deep into the soft tissue, muscle, all the way to the bone. Approx. 2 seconds later three law enforcement officers had me held down on my back from my torso up, including both arms. I was ~~on~~ laying on my back when the K-9 with officers arrived to begin with. I was not resisting. As they held me down the K-9 continued to rip and tear at my upper thigh, I did not touch him.

The K-9 was allowed to continue while I was held down for approx. two to four minutes. It was so extreme I quit screaming and started gagging. At that point the officer closest to the K-9 had to slap the K-9 in the muzzle to make him/her release my leg. At this point I was falling into toxic shock, I was losing so much blood I started to shiver radically and I lost all strength to move even my head or arms.



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I was dragged over to a flat spot and a tourniquet was applied. I would have died had this tourniquet not been applied. I was carried to an ambulance on a cloth stretcher by six people three were the ones who held me down.

The excessive force happened when the K-9 was allowed to continue ripping at my leg. Although there is a real question whether pain compliance was in fact necessary. I was unarmed, I have no history of violence. I knew the arresting officer.

The fact I attempted to elude by turning the car I was driving around and going back up the Private Drive abandoning it on the other side of the hill is not the question, nor does it address the time the K-9 was allowed to Confine.

The relationship I had with the arresting officer does question his motive that night. I had worked with him in a confidential informant way and had been threatened by him on more than one occasion that if I quit helping him he would ruin my life, I have two

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witnesses to this.

The way the K-9 was forced to release me, not with verbal command, but by slapping the K-9. This suggests either a policy that needs changing or a policy that has been neglected and abused. In both cases the irresponsible recklessness or complete apathy or an absent mindedness must come from the top in a chain of command such as law enforcement. The training policy and the K-9 deploy policy would not allow first, the K-9 to continue assaulting an unarmed man who is in custody to the point of nearly killing me, and it would not allow the K-9 not to respond to verbal commands.

Troy Gilmore was the arresting officer with two unknown deputies. Along with them in this suit is the Captain and Sheriff of Clark County because the negligence and lax protocol must come from the top.

It was dark out. There should be body cams available. There is at least 100 photos on file at Clark County Jail Medical, and provider which was with Immanuel Trauma Center in Portland Oregon.



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The specific claim is for Excessive Force. The time a reasonable person would allow a K-9 to continue after it's clear it has gone past any kind of pain compliance or procedural "finding a hidden suspect". The time between being in custody by the fact I was held down by three law enforcement officers and the K-9 being forced by a slap in the face to let go. Even if I was dangerous, which clearly I was not, being subdued, being stopped, being controlled happened the moment the officers held me down. I carry the proof of excessive force. Every time I look at my leg and see the severe disfigurement and scarring I remember the complete unreasonable, excessive and recklessness of the event.

As a result I cannot get up out of bed, out of a chair off my knees, run, squat, go up stairs or many normal things without serious pain, a pain which never really goes away, just presents itself at various levels.



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## UNITED STATES DISTRICT COURT

## DISTRICT OF OREGON

Portland

DIVISION

David Lloyd Pearson

(Enter full name of plaintiff)

Plaintiff,

v.

Civil Case No. 3:24-cv-1462 SB  
(to be assigned by Clerk's Office)COMPLAINT FOR VIOLATION OF CIVIL  
RIGHTS (PRISONER COMPLAINT)Clackamas County Jail  
Jail Captain, County Sheriff  
Clackamas County Medical

(Enter full name of ALL defendant(s))

unknown Clackamas County Jail Staff

Defendant(s).

Jury Trial Demanded

☒ Yes☐ No

## I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

## Plaintiff

Name: David Lloyd PearsonStreet Address: 37362 Indian Summer St.City, State & Zip Code: Seaside Oregon 97055Telephone No.: message phone 503-891-3761

Complaint for Violation of Civil Rights (Prisoner Complaint)

[Rev. 01/2018]

**Defendant No. 1**

Name: Clackamas County Jail  
Street Address: 2223 Kaen Rd  
City, State & Zip Code: Oregon City Or 97045  
Telephone No.: Not Known

**Defendant No. 2**

Name: Clackamas County Jail Captain  
Street Address: 2223 S Kaen Rd  
City, State & Zip Code: Oregon City Or 97045  
Telephone No.: Not Known

**Defendant No. 3**

Name: Clackamas County Sheriff (Amanda Brandenburg)  
Street Address: 2223 Kaen Rd  
City, State & Zip Code: Oregon City Or 97045  
Telephone No.: Not Known

**Defendant No. 4**

Name: Clackamas County Medical + Jail staff  
Street Address: 2223 S Kaen Rd  
City, State & Zip Code: Oregon City Or 97045  
Telephone No.: Not Known

**II. BASIS FOR JURISDICTION**

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

Cruel & unusual punishment, unreasonable sentence, unreasonable bail, unsanitary conditions, inadequate medical services, mental pain and anguish, long term medical complications, extreme disfigurement

### III. STATEMENT OF CLAIMS

#### Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

On Dec 24, 2023 I was discharged from Emmanuel Trauma Center into the custody of Clackamas County Sheriff Department. I was told I would be released to my family, but the nursing staff stalled my release in order to contact the sheriff. It was Christmas eve and I was severely injured by sheriff deputy H-9. I was transported to Clackamas County jail. The hospital sent all of the medications necessary for healing. Upon arrival at Clackamas County jail my medications were taken and I spent the next 24 hours in a cell without a blanket, without toilet paper, dirty old mattress, plate of half eaten food, and no attention to my bleeding leg. It was Christmas eve so it was cold.

#### Claim II

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result.

It is not necessary to give any legal arguments or cite any cases or statutes.

and I could not get staff to answer or do anything. This was the beginning of a lengthy 65 day long stay in a medical isolation cell, unsanitary, unable to take care of myself, living within a high level



of pain daily, all pain meds prescribed by hospital were refused. Along with the anti-biotics were also refused. Everyday a different person would change the bandage's and pull out the cotton stuck in it giant holes in my leg all the way to the bone. None of the people working on my leg had any recent wound care experience, one older woman had some 30 years ago. One of the other serious issues was the lack of sanitary procedures. Although gloves were put on most of the time it

### Claim III

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

was more for their protection than mine. I would observe the person touching multiple areas, drawers, desk, camera, even leaving the room and returning wearing the same gloves. Several times gloves were not put on. At some point a wound vac was used. It was constantly sucking fluid from the wounds. The problem was no one knew how to use one. Very few times was it working according to how it was supposed to. The suction system would become disconnected then I would bleed

(If you have additional claims, describe them on another piece of paper, using the same outline.)

(1)

- Continued Claim description -

oil over my jail pants. I would be forced to sleep all night with blood soaking in my pants. Then the vac container would not be emptied for several days, filling up and starting to stink. This came to a head, this daily treatment. It was a Sunday and the ~~only~~ medical staff member on duty started taking off the bandages and unhook the wound vac. She was not wearing gloves. Halfway through her procedure, she didn't know what to do next. She then realized she was wearing no gloves. Over the next couple days my wounds began to heat up and swell. My leg all the way to my foot swelled up to twice its normal size. The wound vac began to suck puss in and stink like rot. It was not emptied daily. My leg was on fire. And smelled like infection. First, they finally put me on anti biotics after the third day. Then on the fourth day when it was apparent the Anti-biotics wasn't working, they put me on a second even stronger Anti Biotic. They then quit feeding me preparing me for emergency surgery. I came within a few hours of losing my leg.

My leg is disfigured and deformed in the extreme. There is muscle that will never return and nerve damage that can't be fixed. I have limited use of my leg and require further





### Continued Claim description

surgery at some point. Part of the reason for this is the medical treatment I received and the infection as a result.

The jail itself is highly unsanitary. It is very old and food is slid through small doors in the main cell door, never cleaned. The air quality is questionable running through vents full of rust and toilet paper. There is no shower curtain on my cell and I was forced to take showers without any protection on my open wound bandages and in front of a big window.

I was housed in the medical department never getting access to rec yard or a visit. Also, though it was the medical dept it was filled with mental patients, screaming obscenities banging on doors all night and day with small moments of reprieve when they took their meds. This caused a form of PTSD that added to the already emotional and mental punishment this event caused.

The claims against Clackamas County jail, medical staff, captain and sheriff are obvious. My life is severely altered as a result of this experience both physically and emotionally. No one under any circumstances should be put through this.

**IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

I have filed for administrative relief as to all claims in Section III and have concluded all administrative appeals available to me.

☒ Yes

☐ No

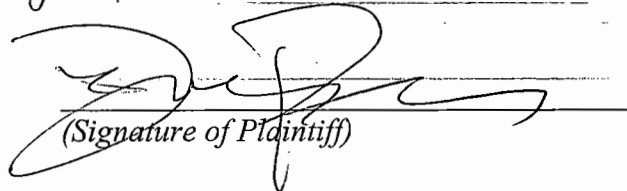
**V. RELIEF**

State briefly exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.

I would ask the court to force changes in this facility. Also my future medical issues arising from this injury should be paid. Because I'll never have my leg back the way it was and I under went literally months in deprivation and medical ineptitude I seek monetary compensation of 10,000,000.00 \$

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 20 day of August, 2024.

  
(Signature of Plaintiff)